E3

minutes followed by two washes in 1X SSC, 0.1% SDS at 65°C for thirty minutes and a final wash in 0.5X SSC, 0.1% SDS at 65°C for ten minutes.

REMARKS

Claims 16, 17 and 61 have been amended. Claims 16, 17, 19-21 and 60-84 are pending.

Support for the amended claims is found, for example, at page 8, line 22 *et seq.*, and page 13, lines 1-17.

The amended claims are supported by the application as filed. Therefore, this Amendment adds no new matter.

Formal Matters

Applicants thank the Examiner for indicating that Claims 19-21, 60, 63, 64, 69-76 and 81-84 are allowable, and that Claims 62, 79 and 80 would be allowable if rewritten in independent form. (Office Action at page 7, lines 11-14.)

Examiner Interview

Applicants thank the Examiner for conducting a telephonic interview with the undersigned on July 17, 2002, during which the rejections under 35 U.S.C. § 112 were discussed. Applicants further thank the Examiner for indicating that claims as amended herein may receive favorable consideration.

Rejections Under 35 U.S.C. § 112, First Paragraph

Written Description

Claims 16, 17, 61, 65-68, 77 and 78 are rejected under 35 U.S.C. § 112, first paragraph, as containing matter that was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventors, at the time the application was filed, had possession of the claimed invention. The Examiner states that a representative number of species are not disclosed in the application, because the application teaches one species that binds IP-10 and Mig, not any other chemokine. (Office Action at page 4, lines 6-8.)

Independent Claims 16 and 61 have been amended to recite "can bind one or more chemokines selected from the group consisting of IP-10 and Mig." The application as filed clearly teaches CXC Chemokine Receptor 3 protein, functional variants thereof and fusion proteins comprising CXC Chemokine Receptor 3 protein or a functional variant thereof that bind IP-10 and/or Mig. The application also exemplifies CXC Chemokine Receptor 3 protein that binds IP-10 and/or Mig. (See, *e.g.*, Specification at page 39, line 1 *et seq.*; page 70, line 5 *et seq.*; and Figures 2-4.) This description of the claimed invention is sufficiently detailed so that one skilled in the art would reasonably conclude that the applicant had possession of the claimed invention at the time the application was filed. Therefore, the written description requirement of 35 U.S.C. § 112 is satisfied. Reconsideration and withdrawal of the rejection are requested.

Enablement

Claims 16, 17, 61, 65-68, 77 and 78 are rejected under 35 U.S.C. § 112, first paragraph, as failing to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the claimed invention. The Examiner states:

> The claims included in the instant rejection are overly broad in that the encoded protein can bind one or more chemokines and can mediate cellular signaling and/or a cellular response thereto. The only amino acid species provided in the disclosure encodes a receptor that binds IP-10 and MIG, not any other chemokines. Therefore, it would require undue experimentation for one of skill in the art to make and use the invention as claimed.

Office Action at page 7, lines 5-9.

Independent Claims 16 and 61 have been amended to recite "can bind one or more chemokines selected from the group consisting of IP-10 and Mig." The application as filed clearly teaches and exemplifies methods for assessing bind of IP-10 and/or Mig. (See, *e.g.*, Specification at page 39, line 1 *et seq.*; page 70, line 5 *et seq.*; and Figures 2-4.) By following the teachings and exemplification of the application, the person of ordinary skill in the art could make and use the claimed proteins, functional variants thereof, or fusion proteins, without undue experimentation. Therefore, the application enables the subject matter of these claims. Reconsideration and withdrawal of the rejection is requested.

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned at (978) 341-0036.

Respectfully submitted,

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Dated: October 9, 2002

MARKED UP VERSION OF AMENDMENTS

Claim Amendments Under 37 C.F.R. § 1.121(c)(1)(ii)

16. (Four Times Amended) An isolated human CXC Chemokine Receptor 3 (CXCR3) protein or functional variant thereof, wherein said CXCR3 protein or variant can bind one or more chemokines selected from the group consisting of IP-10 and Mig, and can mediate cellular signalling and/or a cellular response in response thereto, and wherein said protein or variant is encoded by a nucleic acid which hybridizes to a second nucleic acid selected from the group consisting of the complement of SEQ ID NO:1 and the complement of the open reading frame of SEQ ID NO:1 under high stringency wash conditions of 2X SSC, 0.1% SDS at room temperature for ten minutes followed by two washes in 1X SSC, 0.1% SDS at 65°C for thirty minutes and a final wash in 0.5X SSC, 0.1% SDS at 65°C for ten minutes.

17. (Three Times Amended) The isolated human CXCR3 protein or functional variant thereof of Claim 16, wherein [the] said CXCR3 protein or variant can bind one or more chemokines selected from the group consisting of human IP-10 and human Mig.

61. (Three Times Amended) A fusion protein comprising a human CXC Chemokine Receptor 3 (CXCR3) protein or functional variant thereof, wherein said CXCR3 protein or variant can bind one or more chemokines selected from the group consisting of IP-10 and Mig, and can mediate cellular signalling and/or a cellular response in response thereto, and wherein said CXCR3 protein or variant is encoded by a nucleic acid which hybridizes to a second nucleic acid selected from the group consisting of the complement of SEQ ID NO:1 and the complement of the open reading frame of SEQ ID NO:1 under high stringency wash conditions of 2X SSC, 0.1% SDS at room temperature for ten minutes followed by two washes in 1X SSC, 0.1% SDS at 65°C for thirty minutes and a final wash in 0.5X SSC, 0.1% SDS at 65°C for ten minutes.